Change of venue motion based on attn study denied by App Div. 9/19/74

ATTICA brothers legal defense

PRESS RELEASE

Attica Brothers Legal Defense today releases the results of an attitudinal study of potential jurors in Erie County, New York, which indicates wide-scale bias against the 60 men held on charges in connection with the Attica Rebellion of September, 1971.

The results of the study not only show strong and pervasive prejudice against black people, persons who seek change and persons accused of crime--all leading to the conclusion that most people in Erie County could not function as impartial jurors if called to sit on these cases.

The study was carried on by the Fair Jury Project of Attica Brothers Legal Defense which earlier this year completed a study of the jury selection system in Erie County which in June resulted in the throwing out of 97% of the jury pool because of discrimination. Directing the research team in this most recent study was Professor Jay Schulman of Columbia University, a sociologist whose work included studies of jurors and jury selection in cases such as the Wounded Knee, Harrisburg and Gainesville trials.

The study, conducted according to approved scientific research techniques drew on a sample of 651 registered voters in Erie County interviewed by telephone.

The survey results tested a range of attitudes. Examples of the results are as follows:

1. With regard to the Attica Rebellion, 69% of the potential jurors interviewed blame the prisoners not only for their protest of prison conditions, but also for the killing of 43 persons and injuring of many others--responsibility for which lies with the guards and state officials who did the only shooting that was done at Attica. 19% of the people still

Author Smith's legal defense had problems in [illegible]
[illegible] of potential jurors in Erie County, N.Y. [illegible]
[illegible] "[illegible] rather than [illegible] [illegible]
[illegible] the Attica Rebellion of September [illegible] [17].

[illegible] do not only show [illegible] and personal
[illegible] in "blue" people, persons who [illegible] and p[illegible]
[illegible] direct-a[illegible] [illegible] to the conclusion [illegible] [illegible]
[illegible] could [illegible] partial juror [illegible]
[illegible] cases.

[illegible] study was carried on by the Fair Jury Project [illegible] Attica Prosecu-
[illegible] [illegible] earlier time, [illegible] completed a study of the jury
selec[illegible] "The County which is pure [illegible] in the [illegible]
out [illegible] [illegible] legal lessons of dismissing [illegible]. Before the
[illegible] [illegible] most recent study was Professor Jay Schulman of
Colum[illegible] University, a nationally [illegible] [illegible] in studies of
juries [illegible] [illegible] cases such as the "Berrigan" [illegible], Harrisburg
[illegible] [illegible].

The [illegible] directed [illegible] according to survey [illegible] accepted
[illegible] [illegible] sample of 611 registered voters in Erie [illegible],
[illegible] [illegible].

The survey [illegible] [illegible] a range of attitudes. The [illegible] of the
results are [illegible]:

1. With respect [illegible] Police Brutality, 89% of the potential jurors
interviewed blame the prisoners not only for their percent of responsi-
bility, but also for the killing of 42 persons and injuries of many others
responsibility for which lies with the guards and state officials who did
the only shooting that was done at Attica. 18% of the people [illegible]

believe the lies spread by Rockefeller administration officials that there were castrations and throat slittings resulting in death.

2. Concerning prison conditions and protest, most people see all strong protest as unjustified and in fact, one third would have black militants and radicals put in prison solely for their beliefs. Half of the people believe that prison conditions are satisfactory to excellent.

3. On fair trial issues, nearly a third tended to blindly support the actions of state authorities and to believe their testimony over the testimony of others.

4. With regard to race, 42% of potential jurors volunteered some form of racial stereotypes demeaning the character of black people.

5. With regard to authoritarianism, over half believe that the police should not hesitate to use force to maintain order and that laws should be strictly and inflexibly enforced no matter what the human consequences.

We are well aware that these views and attitudes are not shared by all our fellow citizens of Erie County, and that there are a good many decent fair-minded individuals who can approach these cases with open eyes and open minds. However, the prejudice revealed and documented by this study is so deep and wide-spread that we are forced to conclude that it will be virtually impossible for the Attica Brothers to obtain an impartial jury in Erie County.

In light of this, the survey results are now under review to determine the most effective legal avenues for bringing this proven bias to the attention of the courts and seeking the necessary relief from it.

ATTITUDINAL STUDY

Further results from the attitudinal survey show that, among the 651 people interviewed:

** 63% believe that prison disturbances are caused by "outside agitators" rather than by inhuman prison conditions;

** 58.5% believe there is no justification for black militancy;

** 32% believe that prisoners should have no rights whatsoever;

** 45.5% believe authorities who give the order to shoot to kill during prison disturbances are always justified and doing what is necessary;

** 22% admitted that they could not be impartial jurors in the Attica cases, and 23% say they could not even follow the judge's instructions that the defendants should be presumed innocent;

** 32% believe that "obedience" and "respect for authority" are the "most important virtues" that children should learn;

** 25 % believe that if the state brings someone to trial, he or she is probably guilty;

** 29.8% believe that police and prison officials are more trustworthy and honest than other people;

** Over half (53.1%)believe it is better to send innocent people to jail rather than letting some guilty people go free;

** 60% believe that the problems faced by blacks are the same as problems faced by white voluntary immigrants at the turn of the 20th century.